

CHESTERTON ADVISORY PLAN COMMISSION
MARCH 19, 2015
6:30 p.m.

The meeting was called to order at 6:30 p.m. Present were members J. Trout, E. Delaney, F. Owens, T. Kopko, J. Ton, J. Kowalski and President G. Stone. Town Engineer M. O'Dell and Park Superintendant Bruce Mathias were in attendance. Park Board member Mark Dickinson was in attendance. Attorney J. Paulson was present as legal advisor. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member T. Kopko moved approval of the minutes from February 19, 2015 seconded by member J. Ton and passed by unanimous voice vote.

Member J. Trout moved approval of the minutes from March 9, 2015 a special meeting seconded by member E. DeLaney and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC- None

PRELIMINARY HEARINGS

Marcia L. Bell Trust Petition for Plottage of Property Bell's Corner Subdivision Attorney G. Babcock was present as representation for the petitioners. He was accompanied by Glen Peterson and Audra Peterson. This is a 6 lot single family subdivision located on 15th Street and Porter Ave. There is currently sanitary sewer service and water service available there would be no new road openings. There is currently no storm water service in that area. Petitioners have been working with M. O'Dell on a plan to control water. The subdivision would have sidewalks and a ribbon curb. He respectfully requested the board to consider continuing the preliminary hearing until more details are ironed out.

President G. Stone suggested that petitioners look at item ten on their restrictive covenants.

Attorney G. Babcock said they would be looking expanding those covenants without and association.

President G. Stone commented that he likes the idea of uniformity of fencing but thought a more durable construction product should be used. Wooden fences have a tendency to require a lot of upkeep.

Members of the board made several suggestions that the petitioners might want to consider in their site plan.

Attorney J. Paulson said the petitioner needed to provide an amended POA which is the "Marcia Bell Trust."

**ADVISORY PLAN COMMISSION
MARCH 19, 2015
PAGE 2**

Member T. Kopko moved to continue the preliminary hearing until the April meeting seconded by member F. Owens.

CONCEPT REVIEW

Fifth Third Bank and SEH of Indiana conceptual site plan Matthew T. Reardon with SEH of Indiana and Derek Tucker representing the current property owner Fifth Third Bank where present. He said that in conversation with M. O'Dell it was determined that this property should be put into a PUD. Fifth Third would like to pursue a mixed use, having 7 acres of retail business along with 30 acres of residential development. Wetlands and storm water management would make up 11 acres of the site. Mr. Reardon said it's a challenging site. The site is located in close proximity to SR49 and the toll road on the edge of the Chesterton community, with the North Porter County Conservation Club and Gun Range abutting the site. The project has the potential of being upwards of \$35 million dollars. The residential portion would be similar in style to the Enclave Apartments in Chesterton.

Mr. Derek Tucker said that as an industrial site many companies look for upwards of 75 acres this location is 49 acres but only 36 acres of buildable property. He said he worked on this site 6 years ago with I-80 Partners and for an industrial investor it's like looking for a needle in a haystack. In the past Wal-Mart and Target had eyeballed this property lousing interest.

Mr. Reardon gestured to a site plan outlining residential with a walking trail included as well as retail/commercial. He said that before the end of the month they would submit their PUD and map related to the property. He respectfully requested the board input and comments. He said they would like to know that the town is firmly behind the investment.

President G. Stone commented that the petitioners are looking at a total rewrite of the PUD. The current PUD calls for no residential at all. He asked who wants to be sandwiched between a gun range and the toll road. It's not an ideal site for apartment residential living.

Mr. Reardon said that I-80 Partners had conversation with owners of the gun range and buyout of that site could be a possibility. He said it's not their intention to negatively impact surrounding neighbors.

Member DeLaney made suggestions for a site plan layout. Members of the board noted there was a slight difference in the plan that petitioners gestured to this evening. Furthermore he advised petitioners to bring in traffic control proposals.

Mr. Reardon said their goal was to get a temperature from the board and see if Fifth Third might have a viable option with this PUD.

**ADVISORY PLAN COMMISSION
MARCH 19, 2015
PAGE 3**

Attorney J. Paulson said the existing PUD would need to be amended. The Town Code also requires that a concept plan be submitted prior to a preliminary hearing. There is a list of items which needs to be included in the concept plan. She encouraged petitioners to come back with a concept plan.

Member J. Trout commented that the town has a comprehensive plan and a long term plan and recently the county participated in extending sewer, water and fiber optics to this spot on the west side of the road specifically to attract commercial business. He said you're asking this board to go 180 degrees of what was approved and what was planned in the 2008 PUD. He said he was unwilling to throw in the towel from what was originally intended for that parcel. He challenged developers to bring in something more than an apartment complex.

Member F. Owens was in agreement with other board members commitments to the development of the SR49 Corridor. He said this area has always been thought of as a commercial/industrial area.

PUBLIC HEARINGS

Rules for conducting a public hearing were read aloud. Proper notification and publication requirements were in place.

Amended Rules of Plan Commission President G. Stone explained that the amended rules would change the submittal process in that the petitioner/developer would file 5 copies of petitions, plans and or drawings by 10:00 a.m. 20 days prior to a regular scheduled meeting of the Plan Commission for preliminary review. After the preliminary review by Department Heads, 12 copies of the revised materials shall be filed by 10:00 a.m. 10 days prior to the regular scheduled meeting.

Attorney J. Paulson said there are two sections in the Zoning Ordinance that also referenced the timing and number of copies. She said those sections were changed in accordance to the newly amended process. Those sections are; Section 704 A & C and Section 1000-23.

Town Engineer M. O'Dell said he not interested in changing to a different submission date on the front end. He said he would like to have more time for review to get plans to him closer to the meeting date.

President G. Stone said this amendment matches the Zoning Ordinance to the rules.

Member F. Owens asked if electronic submissions would be included in these rules.

Attorney J. Paulson said there is a statement that if electronic submissions are available they are encouraged.

**ADVISORY PLAN COMMISSION
MARCH 19, 2015
PAGE 4**

Member J. Trout moved to close the public hearing and recommend Ordinance 2015-03 favorably to the Chesterton Town Council for approval seconded by member F. Owens and passed by unanimous voice vote

An Ordinance To Establish An Equitable Impact Fee For The Park And Recreational Infrastructure To Serve New Developments In The Pursuant To Indiana Code 36-7-4-1300, et seq.

Attorney J. Paulson confirmed that members of the board understood the content of the document.

Member J. Trout commented that at first glance it seemed odd that the fees would be reduce. He said once they learned the basis for those reductions it made perfect sense.

Member E. DeLaney said he would like to know who the existing three member of the review board are and when they were appointed. He questioned the language in the Ordinance about being granted an occupancy permit during an appeal process if the impact fee were not paid.

Attorney J. Paulson said she would have that information requested prior to the town council meeting. Furthermore she said the town has the right to place a lien on the property if the park impact fee was not collected.

Member DeLaney said he would like to know if the town has any leverage to collect the fee.

Town Engineer M. O'Dell and Attorney J. Paulson said everyone has the right to the appeals process. All of the requirements of the building permit must be met before an occupancy permit can be obtained. If the fee was not paid that would be justification for the building department to issue a stop work order.

There was no one present to speak in support of the petition.

There was no one present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Member F. Owens moved to send a favorable recommendation to the Chesterton Town Council regarding the Ordinance To Establish An Equitable Impact Fee For The Park And Recreational Infrastructure seconded by member T. Kopko and passed by unanimous voice vote of 7 to 0.

**ADVISORY PLAN COMMISSION
MARCH 19, 2015
PAGE 5**

OLD BUSINESS

Dogwood Estates Phase 2 & 3 Sidewalk Guar. Comp. 08/19/14 Exp. 08/19/14 (Check) No new information.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member T. Kopko moved adjournment seconded by member F. Owens. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

G. Stone, President